

REMARKS

Claims 1-15 are pending. By this Amendment, claims 12 and 14 are cancelled, claims 1-11, 13, and 15 are amended and no new claims are added. Support for the amendments can be found throughout the specification and drawings as originally submitted. Claim 1 has been amended to comply to customary U.S. practice regarding method claims.

**Claim Objections**

Claim 2 stands objected to because of a typographical error. Claim 2 has been amended to correct the error, and Applicants respectfully request withdrawal of the objection.

**Claim Rejections – 35 U.S.C. § 112**

Claims 4, 12, 13, and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter with applicants regard as the invention. Claims 12 has been cancelled, and claims 4, 13, and 15 have been amended in accordance with the Examiner's suggestions. Applicants respectfully request withdrawal of the rejections.

**Claim Rejections – 35 U.S.C. § 101**

Claims 7-14 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse the rejections. In order to advance prosecution, claims 12 and 14 have been cancelled rendering the rejection moot, and claim 7 has been amended to include the limitation of "a computer server" to clarify that the

claim is directed to a combination of hardware and software, which is statutory subject matter. Furthermore, in the application as originally filed at page 11, lines 16-22, it states that the server mediation server can be “in the form of a reusable component, called a ‘white brick’, so as to be heavy-duty and fault tolerant, and capable of being integrated inexpensively in any server providing services.” A “brick server” is defined, for example, as “a compact computer server module without a chassis that can come in various processor, RAM, I/O, and storage configurations and is designed to fit into rack locations similar to those for blade servers”, therefore evidencing hardware characteristics. *See, for example,* [http://searchdatacenter.techtarget.com/sDefinition/0,,sid80\\_gci882463,00.html](http://searchdatacenter.techtarget.com/sDefinition/0,,sid80_gci882463,00.html). Applicants respectfully request withdrawal of the rejection of claim 7, and claims 8-11 and 13 which depend from claim 7.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 3-5, 12, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Day, Rosenberg, and Sugano in RFC 2778, “A Model for Presence and Instant Messaging” from February 2000 (“RFC2778”). Insofar as the rejections apply to the newly amended claim 1, Applicants respectfully traverse the rejections.

RFC2778 does not disclose or suggest a method for coordinating telecommunications services provided to a plurality of users or a service mediation server wherein the service mediation server determines a state of connectability of each user on the basis of the existence of at least one user terminal connected to the server, and the user’s active availability mode and profile, and wherein the service mediation server transmits, to each connected terminal the state of connectability of users specified in a list of contacts forming part of the active profile of the

terminal user, as recited in claims 1 and 7, in combination with the other limitations of the claims.

Rather, RFC2778 discloses a system for implementing a presence and instant messaging services. The presence service sends presence information provided from one set of clients called "presentities" to another set of clients called "watchers." Among these watchers, there is one kind of watchers called "subscribers" to which the presence service notifies changes in some presentity's presence information. *See* RFC2778 at section 2.1, and Figures 3a-3c.

Even though RFC2778 relates to a presence service whose only functions is to receive presence information from presentities and to notify them to watches having subscribed to the presence service, it does not teach a method or a mediation server for coordinating telecommunications services as recited in claims 1 and 7.

The subscribers disclosed in RFC2778 are clients of the presence service and not the telecommunications services recited in claims 1 and 7. Further, RFC2778 discloses that a presentity transmits a change of presence information to the presence service which then notifies this change to the subscribers. RFC2778 does not disclose or suggest that telecommunications terminals of users transmit user profiles specifying availability modes, nor does it disclose or suggest that these previously specified user profiles may be activated later by the users.

It is respectfully submitted that newly amended independent claims 1 and 7 are allowable for at least these reasons. Claims 2-6 depend from claim 1, and claims 8-11, 13, and 15 depend from claim 7 are allowable for at least the same reasons claims 1 and 7 are allowable.

**Claim Rejections – 35 U.S.C. § 103**

Claims 2, 6, 7-11, 13 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC2778. Claims 2-6 depend from claim 7, and claims 8-11, 13, and 15 depend from claim 7 are allowable for at least the same reasons claims 1 and 7 are allowable as discussed above. However, Applicants respectfully traverse the rejections for at least the reasons discussed below.

With regard to claim 2, the Examiner has taken Official Notice that “a person of ordinary skill in the art would have known to allow the user to be ‘invisibile’ to others...and have different availabilities for different contacts...Thus, it would have been obvious to have” an availability list capable of having the values of an unknown number if the user does not want his/her availability state to be accessible, and a list of contacts to which the availability state applies in the disclosure of RFC2778.” Page 9. First, referring to M.P.E.P. § 2144.03, “the Examiner may take official notice of *facts outside of the record which are capable of instant and unquestionable demonstration as being ‘well known’ in the art*”. Emphasis added. Nothing in the statute or the rules permits the Examiner to take official notice of a conclusion of law such as stating that it would have been obvious for one of ordinary skill in the art to take a certain action. Therefore, for at least this reason, Applicants respectfully request that the Examiner withdraw the assertion and the rejection.

Second, Applicants respectfully traverse this assertion and requires that the basis for this assertion be stated and a reference cited to substantiate this assertion or that the Examiner execute a Declaration or Affidavit if personal knowledge forms the basis for the rejection. See M.P.E.P. § 2144.03. Applicants thus respectfully contend that a prima facie case of obviousness

has not been established, and respectfully request that the Examiner reconsider and withdraw the rejection.

With regard to claim 6, the Examiner has taken Official Notice that “a person of ordinary skill in the art would have known how to store a message for a user when the user is not connected for later delivery. Thus, it would have been obvious to have the event...stored in a log and is notified to the services when the latter connects to the service mediation server.” Page 10. Applicants respectfully traverse this assertion and require that the basis for this assertion be stated and a reference cited to substantiate this assertion or that the Examiner executes a declaration or affidavit if personal knowledge forms the basis for the rejection. *See* M.P.E.P. § 2144.03. As stated above, this MPEP section does not support the taking of official notice of a conclusion of law such as the above stated assertion of obviousness.

With regard to claim 7, the Examiner states that the “instant claim includes subject matter that is substantially similar to subject matter presented in claims 1-6 and is rejected for substantially similar reasons.” Page 11. Applicants respectfully traverse this rejection. Claim 1 is directed to a “method for coordinating telecommunications services provided to a plurality of users, via telecommunications terminals connected to various telecommunications networks” whereas claim 7 is directed to a “computer server for mediation of telecommunications services provided to a plurality of users.” Applicants submit that a *prima facie* case of obviousness has not been made as all claim limitations have not been considered as required per MPEP § 2143.03. (quoting *In re Wilson* “All words in a claim must be considered in judging the patentability of that claim against the prior art.” 424 F.2d 1382, 1385 (CCPA 1970)).

With regard to claim 10, the Examiner has taken Official Notice that it was "very well known to provide duplicate components for fault tolerance" and that "it would have been obvious to provide duplicate components for fault tolerance in the disclosure of RFC2778." Pages 11-12. Again, Applicants respectfully traverse this assertion and require that the basis for this assertion be stated and a reference cited to substantiate this assertion or that the Examiner executes a declaration or affidavit if personal knowledge forms the basis for the rejection. *See* M.P.E.P. § 2144.03. As stated above, this MPEP section does not support the taking of official notice of a conclusion of law such as the above stated assertion of obviousness.

It is respectfully submitted that newly amended independent claims 1 and 7 are allowable for at least these reasons. Claims 2-6 depend from claim 1, and claims 8-11, 13, and 15 depend from claim 7 are allowable for at least the same reasons claims 1 and 7 are allowable.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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